

# **EXHIBIT 1**

1 she come out at time when she was better qualified than  
2 other drivers that we talked to.

3 **Q. Do you know who at the union was putting**  
4 **pressure on?**

5 A. I believe it was Mr. Killian.

6 **Q. And how was he putting pressure on?**

7 A. I believe it was a phone call to Mr. Monfrey  
8 saying that she was a well-qualified driver, had lots of  
9 experience, and that she was a friend of the system, and  
10 that he would greatly appreciate her being hired.

11 **Q. She was a friend of the union?**

12 A. Of certain people in the union.

13 **Q. So it was all almost as if Killian was asking**  
14 **for a personal favor?**

15 A. Correct.

16 **Q. So when you and Mr. Monfrey -- did Mr. Monfrey**  
17 **discuss these calls with you that he received from**  
18 **Mr. Killian?**

19 A. Briefly, yes.

20 **Q. And what was his opinion of it?**

21 A. He was very upset. He didn't like being told  
22 that he had to hire somebody. And that was the  
23 impression he was getting.

24 **Q. Was it Mr. Monfrey's opinion that Shotsay was**  
25 **not qualified?**

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1 A. No.

2 **Q. Now, just to clarify, you mentioned that on the**  
3 **day of the tests, you and Mr. Monfrey decided --**  
4 **Mr. Monfrey decided not to hire anyone?**

5 A. Correct.

6 **Q. And the call was closed?**

7 A. Correct.

8 **Q. And was the call closed? When the call was**  
9 **closed, that meant it was closed for both Shotsay and**  
10 **Dan?**

11 A. Correct.

12 **Q. But you were, in your mind, keeping it open for**  
13 **Dan?**

14 A. Correct.

15 **Q. And why only one?**

16 A. Because we knew that Dan had the -- he had  
17 worked for a competitor. He had the port experience. We  
18 felt he would be a very good candidate. Shotsay did not  
19 have the hostling experience around Anchorage, and she  
20 did not have the port experience.

21 **Q. Okay. So your decision initially not to hire**  
22 **her was based on comfort, confidence and Dan driving**  
23 **faster?**

24 A. And the experience.

25 **Q. Okay. And the experience?**

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1 A. Correct. All those factors came into play.

2 **Q. I'm only asking because you didn't mention the**  
3 **experience previously when I asked what factors you**  
4 **relied on when you decided --**

5 A. I believe I did because I said we prefer that  
6 the minimum three, and preferably five years  
7 tractor/driving experience.

8 **Q. And how many years did Shotsay have?**

9 A. I believe it was twenty-five or in that area.

10 **Q. So she had the experience?**

11 A. She had the driving background. She did not  
12 have the experience applicable to our business.

13 **Q. And that would be port knowledge?**

14 A. The port knowledge and the Anchorage area  
15 knowledge and the hostler.

16 **Q. She didn't have hostling knowledge?**

17 A. Not in Anchorage. I believe it was in the  
18 Lower 48 she had some, and I'm not sure how much.

19 **Q. But at that time -- on the day of the exam, you**  
20 **still believed she was qualified for the position?**

21 A. She was qualified as far as driving, yes -- as,  
22 as far as her driving experience.

23 **Q. And if there had been two positions open that**  
24 **day, would she have been hired?**

25 A. Very good possibility.

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1 **Q. So again, getting back to this idea of, in your**

2 **mind, keeping the call open for Dan thinking maybe in the**  
3 **future you would need someone, and you would keep it open**  
4 **for him.**

5 **Why didn't it come up for you or for**

6 **Mr. Monfrey that perhaps in the future you might need two**  
7 **drivers?**

8 A. That was a good possibility, but the reason we  
9 kept Mr. Tullis in reserve was that he worked for a  
10 competitor. He did exactly the same things that we do.

11 **Q. So that was a major factor?**

12 A. Absolutely.

13 **Q. But again, I understand why you would prefer --**

14 **I understand that you're telling me that you preferred**  
15 **Dan over Shotsay, and you were keeping him in mind in**  
16 **case a position came open, but you had talked about three**  
17 **different people who might be leaving. So did you**  
18 **continue to consider Shotsay as well?**

19 A. If she had taken another call, and the  
20 grievance had not been filed, or if the pressure had not  
21 been put on, if she had taken the call, we definitely  
22 would have considered her.

23 **If we had two drivers that she had the better**  
24 **background, more driving experience, say we had one that**  
25 **came out with four years versus her 25 then, yes, we**

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1 would have most likely hired her.  
 2 **Q. But you would have wanted her to --**  
 3 A. Take another call.  
 4 **Q. Take another call?**  
 5 A. Correct.  
 6 **Q. But you didn't need Dan to take another call?**  
 7 A. No, because he had the experience with our  
 8 competitor.  
 9 **Q. So you would have wanted Shotsay to take**  
 10 **another call and also you -- one of the reasons you would**  
 11 **not have considered her is because the union had put on**  
 12 **this pressure?**  
 13 A. Correct.  
 14 **Q. And Mr. Monfrey didn't like the union**  
 15 **complaining and putting pressure on him and telling him**  
 16 **who to hire?**  
 17 A. Correct.  
 18 **Q. And that's why they didn't want to consider**  
 19 **Shotsay?**  
 20 A. Right.  
 21 **Q. With regard to hostling experience, is there a**  
 22 **difference between hostling in Alaska or Anchorage and**  
 23 **hostling in the Lower 48?**  
 24 A. I honestly don't know.  
 25 **Q. But that was the reason that you were not as**  
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1 interested in Shotsay because she didn't have hostling  
 2 experience here?  
 3 A. Right. Because she wouldn't know the various  
 4 customers that we -- I guess that would be the big  
 5 difference is the customers since we would be dealing  
 6 with had she been hostling before in Anchorage, she might  
 7 have been familiar with those.  
 8 **Q. Would she -- if she had come in -- if she had**  
 9 **been hired, would she have been able to become familiar**  
 10 **with those customers?**  
 11 A. In time, yes.  
 12 **Q. So what happened when you -- after Mr. Monfrey**  
 13 **called the union and asked if he could hire Dan, did you**  
 14 **go ahead and hire Dan?**  
 15 A. Yes, we did.  
 16 **Q. And what happened after that?**  
 17 A. I believe we put in a call for some more  
 18 drivers in addition to Mr. Tullis. We hired Mr. Tullis.  
 19 And I'm not sure how long after that we hired any others.  
 20 **Q. So you hired a few people from the open call,**  
 21 **and then you hired Dan, even though he hadn't been in the**  
 22 **open call?**  
 23 A. We specifically requested to hire Mr. Tullis.  
 24 **Q. Right. But you did hire --**  
 25 A. I don't recall. I would have do look at the  
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1 hire dates to know if we hired somebody when we put in  
 2 the call in October.  
 3 **Q. But you did put in the call?**  
 4 A. Yes, we did.  
 5 **Q. And requested more drivers to come out?**  
 6 A. Yes, we did.  
 7 **Q. And at that time, you did not call and say,**  
 8 **"Why don't you just send Shotsay over because she was**  
 9 **qualified when she came"?**  
 10 A. No, we don't generally do that as a rule.  
 11 **Q. But you did that for Dan?**  
 12 A. Because he had the competitor's experience.  
 13 **Q. Did Dan continue to work for you?**  
 14 A. For a few months. I think he was terminated in  
 15 January of that following year.  
 16 **Q. Say that again.**  
 17 A. I believe he was terminated in January after we  
 18 hired him.  
 19 **Q. Why was he terminated?**  
 20 A. He wasn't meeting our expectations like we  
 21 thought he would, and we also had a complaint call on  
 22 him.  
 23 **Q. What was the complaint about?**  
 24 A. I don't recall; I just remember seeing it in  
 25 his file.  
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1 **Q. Was there any concern about violating union**  
 2 **rules or union practices when you hired Dan Tullis?**  
 3 A. No, because we had asked their blessing --  
 4 asked for their blessing.  
 5 **Q. You might have already told me this, but who**  
 6 **gave the blessing at the union?**  
 7 A. I believe it was Mr. Killian. I'm not  
 8 positive, but I believe it was.  
 9 **Q. Mr. Killian, the same one who was putting the**  
 10 **pressure on to hire Shotsay?**  
 11 A. Correct.  
 12 **Q. And why was he putting pressure on to hire**  
 13 **Shotsay?**  
 14 A. Because from what I understand she was a friend  
 15 of the union -- friend of certain people in the union.  
 16 **Q. Was it because of seniority at the union?**  
 17 A. I believe that was one of points that they kept  
 18 running across, that she did have a lot of seniority with  
 19 the union, but that doesn't come into play with us.  
 20 **Q. That doesn't come into play with you?**  
 21 A. No, we don't care how long they've been a union  
 22 member.  
 23 **Q. Do you know who she was the friend of at the**  
 24 **union?**  
 25 A. Not positively, no.  
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